



PRESS RELEASE
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**MN PHARMACISTS ASSOCIATION SUPPORTS “JUSTIN’S BILL”
Legislation Addressing Dangerous Illicit Internet Pharmacies**

Roseville, Minn. – Representative Steve Gottwalt, R-St. Cloud and Senator John Marty, D-Roseville have introduced “Justin’s Bill.” This bipartisan effort intends to prevent the operation of illicit online pharmacies in Minnesota.

Chief authors Gottwalt and Marty, are joined by Sen. Tarryl Clark, D-St. Cloud, and Reps. Tom Huntley, D-Duluth, Paul Thissen, D-Minneapolis, Jim Abeler, R-Anoka, and Bob Dettmer, R-Forest Lake, as co-authors. This bill will receive its first hearing Tuesday February 19, before Thissen’s Health and Human Services Policy Committee.

During the 2007 session, legislation was passed that attempted to define a legally valid prescription. This legislation stated a prescription is not valid if it is based solely on an online questionnaire. The bill was brought forward as a result of the unfortunate death of a Minnesota man who obtained a prescription for a controlled substance by filling out an online questionnaire without any medical evaluation. After completing the questionnaire a prescription was “written” by an out-of-state physician and subsequently filled by a pharmacy that agreed to be a fulfillment center for the online pharmacy site. Justin Pearson died on Christmas morning in 2006.

New legislation must be passed because illicit operators are shifting their methods based on the changing regulatory environment. For example, after the Minnesota law passed clarifying a prescription is not legally valid if based solely on an online questionnaire, some illicit sites began adding a telephone call in order to adhere to the law, and claim a legitimate patient-prescriber relationship.

A clear definition of a legitimate prescriber-patient relationship is critical for the FDA and DEA’s ability to effectively assist states with enforcement. Language specifically indicating failure to adhere to these standards renders the prescription invalid is necessary to assist in multi-state enforcement and would allow for federal charges to be brought.

“Justin’s Bill,” H.F. 2639, states a prescription or drug-order for commonly abused prescription drugs is not valid unless it can be established the prescription or drug order was also based on a documented patient evaluation. The new language helps clarify the prescriber-patient relationship that enforcement officials need to stop the abuse occurring from illicit online pharmacy sites.

According to a recent Columbia University study, 15.2 million people age 12 and over reported abusing prescription drugs in the past year. The report indicates a 70 percent increase from 2006 in the number of websites that advertise or sell controlled prescription drugs, many of them without a prescription or medical evaluation. The National Association of Boards of Pharmacy currently certifies 14 internet pharmacies through its Verified Internet Pharmacy Practice Sites (VIPPS) program. This is a staggeringly small number compared to the 187 sites examined in the study.

MINNESOTA PHARMACISTS ASSOCIATION

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The Minnesota Pharmacists Association (MPhA) has been involved in the process of crafting this new language from the beginning. Over the summer, MPhA hosted two meetings with Rep. Gottwalt, FDA, DEA, and other interested healthcare organizations. MPhA President Tim Gallagher stated, "Illicit internet pharmacies pose a serious threat to the health and welfare of our patients. As healthcare professionals we have an absolute obligation to fight for legislation that would outlaw these rogue internet sites. We must reestablish a personal physician-patient relationship as the best and only legitimate source of prescriptions."

"This law does not seek to limit legitimate online sales of prescription drug," stated Gottwalt. "It simply does a better job of detailing the medical assessment necessary to support a legal, valid prescription, giving law enforcement authorities the tool they need to crack down on pharmacies in our state that choose to distribute powerful prescription drugs to people who've done little more than fill out an online order form."

The Minnesota Pharmacists Association supports "Justin's Bill" legislation to curb dangerous practices of illicit online pharmacies.

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The Minnesota Pharmacists Association, founded in 1883, is a state association for pharmacy professionals, whose mission is "Serving Minnesota pharmacists to advance patient care."

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Addressing Illicit ONLINE PHARMACIES

STATE ISSUE BRIEF

H.F. 2639 – MPhA supports legislation to ensure appropriate legislative and regulatory parameters are in place to prevent the operation of illicit online pharmacies in Minnesota.

■ ILLICIT ONLINE PHARMACIES THREATEN THE WELL-BEING OF MINNESOTANS

According to a 2007 National Center on Addiction and Substance Abuse Study:

- 70% increase over 2006 in the number of web sites identified that advertise or sell controlled prescription drugs.
- 84% of sites offering controlled prescription drugs do not require the patient provide a prescription from his or her doctor.
- In 2005, nearly one in five (19%) teens admit abusing prescription drugs in their lifetime.
- More adults and teens report abusing controlled prescription drugs than the number abusing all illicit drugs combined except marijuana.

■ 2007 LEGISLATION MADE INITIAL ATTEMPT TO ADDRESS PROBLEM

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The bill was brought forward as a result of the unfortunate death of a Minnesota man who obtained a prescription for a controlled substance by filling out an online questionnaire without any medical evaluation. After completing the questionnaire a prescription was "written" by an out-of-state physician and subsequently filled by a pharmacy that agreed to be a fulfillment center for the online pharmacy site. Justin Pearson died on Christmas morning in 2006.

■ "JUSTIN'S BILL" ELIMINATES LOOPHOLES IN THE MINNESOTA LAW

New legislation must be passed because illicit operators are shifting their methods based on the changing regulatory environment. For example, after the Minnesota law passed clarifying a prescription is not legally valid if based *solely* on an online questionnaire, some illicit sites began adding a telephone call in order to adhere to the law, showing a legitimate patient-prescriber relationship.

A clear definition of a legitimate prescriber-patient relationship is critical for the FDA and DEA's ability to effectively assist states with enforcement. Language specifically indicating failure to adhere to these standards renders the prescription invalid is necessary to assist in multi-state enforcement and would allow for federal charges to be brought.

H.F. 2639 states a prescription or drug-order for commonly abused prescription drugs is not valid unless it can be established the prescription or drug order was also based on a documented patient evaluation. The new language helps clarify the prescriber-patient relationship that enforcement officials need to stop the abuse occurring from illicit online pharmacy sites.

Online pharmaceutical sales by licensed, legitimate and reputable Internet pharmacies can provide benefits to consumers. This language does not seek to disrupt legitimate online pharmacy practices or interfere with tele-medicine.